

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**REPUBLIC FIRE & CASUALTY
INSURANCE COMPANY**

**PLAINTIFF/COUNTER-DEFENDANT
THIRD-PARTY PLAINTIFF**

v.

No. 4:10CV00037-SA-DAS

**MARK AZLIN doing business as
THE BOURBON MALL, ET AL.**

DEFENDANTS/COUNTER-PLAINTIFFS

AND

RANDAL R. HENSON, ET AL.

THIRD-PARTY DEFENDANTS

ORDER

Before the court is Third-Party Defendants Randal R. Henson's and Mid-Delta Insurance Agency, Inc.'s motion for a stay of proceedings (# 135), filed April 4, 2011. In support of the motion movants state that Henson and Mid-Delta have filed a separate action for declaratory judgment against United States Liability Insurance Company and U. S. Risk, Inc. in a separate action in this court, seeking declarations of coverage with respect to the defendants' obligations to provide a defense and indemnity coverage to Henson and Mid-Delta and their right to receive a defense and indemnity coverage with respect to the third-party claims made against them in this third-party action. Third-party plaintiff Republic Fire and Casualty Insurance Company responds that it is not opposed to the requested stay to the extent that it does not prevent Republic from seeking summary judgment, which if granted could moot Henson's and Mid-Delta's declaratory judgment action. Having duly considered the submissions of the parties, the court is of the opinion that the motion should be GRANTED in part. Accordingly, only those proceedings herein related to the third-party action against Henson and Mid-Delta are hereby **STAYED**,

pending a ruling by the court on the complaint for declaratory judgment filed by movants in Cause No. 4:11cv00038-MPM-DAS or a ruling herein denying Republic's motion for summary judgment, whichever is sooner. Should an order denying Republic's motion for summary judgment come first, Henson and Mid-Delta shall have five (5) days from that ruling to seek a stay of all proceedings herein. Movants shall also have five (5) days from a ruling in Cause No. 4:11cv00038 to submit to the undersigned a proposed order lifting the stay herein.

SO ORDERED this, the 6th day of April, 2011.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE